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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,310	01/22/2002	Sheldon D. Smith	SDS-10002/28	5420
7590	07/14/2004			EXAMINER NGUYEN, DUC M
Gifford, Krass, Groh, Sprinkle, Anderson & Citkowski, P.C. Suite 400 280 N. Old Woodward Birmingham, MI 48009			ART UNIT 2685	PAPER NUMBER 8
DATE MAILED: 07/14/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)
10/054,310	SMITH ET AL.
Examiner	Art Unit
Duc M. Nguyen	2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-15 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 7.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The references listed in the information disclosure statements submitted on 7/8/02 has been considered by the examiner (see attached PTO-1449).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 recites the limitation "the master controller" in line 1 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 10-11, 13 are rejected under 35 U.S.C. 102(b) as being anticipated by **Grimes** et al (US 4,223,301).

Regarding claim 10, **Grimes** discloses an apparatus and method for conserving energy in electrical appliances by connecting or disconnecting power in responsive to door activated switch means, comprising :

- activating a radio frequency signal transmitter upon a room occupant action (deadbolt engagement) within a room (see Fig. 2 and col. 1, line 49 – col. 3, line 11);
- sending a radio frequency signal to a receiver as claimed (see Fig. 2 and col. 1, line 49 – col. 3, line 11);
- activating the controlled power device as claimed(see Fig. 2 and col. 1, line 49 – col. 3, line 11);
- deactivating the RF transmitter as claimed(see Fig. 2 and col. 1, line 49 – col. 3, line 11);

Regarding claim 11, the claim is interpreted and rejected for the same reason as set forth in claim 1 above. In addition, it is clear that **Grimes** would disclose modulating a thermostat control unit as claimed (see col. 4, lines 35-61).

Regarding claim 13, the claim is interpreted and rejected for the same reason as set forth in claim 1 above. In addition, **Grimes** discloses a relay switch as claimed (see col. 4, lines 41-46).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 5-9, 12, 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Grimes**.

Regarding claims 1-3, 12, **Grimes** discloses all the claimed limitations, see claim 10 above, except for a master controller. However, it is noted that since the transmitter is used for controlling energy of appliances, with the broadest reasonable interpretation, the transmitter would read on the master controller as claimed. Therefore, the claimed limitation is made obvious by **Grimes** for providing a master controller as claimed, for controlling energy of appliances. Further, it is clear that the transmitter (master controller) is located within the room proximal to an entry way as claimed (see Fig. 1).

Regarding claim 5, it is rejected for the same reason as set forth in claim 1 above. In addition, since the use of a crystal as a RF transmitter is well known in the art, it would have been obvious to one skilled in the art to modify **Grimes** for providing a crystal as claimed, for utilizing advantages of the crystal transmitter such as low power, low cost.

Regarding claim 6, the claim is interpreted and rejected for the same reason as set forth in claim 1 above. In addition, **Grimes** disclose a thermostat control unit as claimed (see col. 4, lines 35-61).

Regarding claim 7, the claim is interpreted and rejected for the same reason as set forth in claim 1 above. In addition, it is clear that **Grimes** would disclose a modulating frequency switch as claimed (see col. 7, lines 4-8).

Regarding claim 8, the claim is interpreted and rejected for the same reason as set forth in claim 1 above. In addition, **Grimes** discloses a relay switch as claimed (see col. 4, lines 41-46).

Regarding claims 9, 14, they are rejected for the same reason as set forth in claim 1 above. In addition, since the use of a power transistor as an electrical switch is well known in the art, it would have been obvious to one skilled in the art to modify **Grimes** for providing a power transistor as claimed, for utilizing advantages of the transistor switch such as low power, low cost.

Regarding claim 15, the claim is interpreted and rejected for the same reason as set forth in claim 1 above. In addition, **Grimes** discloses the use of RF signal for lessening energy in a vacant room as claimed (see col. 2, line 63 – col. 3, line 1).

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Grimes** in view of **Fichtner et al (US 4,150,415)**.

Regarding claim 4, **Grimes** discloses all the claimed limitations, see claim 1 above, except for the insertion of card for activation. However, in an analogous art, **Fichtner** discloses an energy conservation system wherein the activation is triggered with the insertion of a card (see **Fig. 2, and col. 4, lines 20-27**). Therefore, it would have been obvious to one skill in the art to incorporate **Fichtner**'s teaching to **Grimes** as

well, for utilizing the insertion of card key as a room occupant indicator, so that a person is forced to remove the key from the receptacle upon leaving the room, thereby result in disconnecting power in the room (see col. 1, lines 50-62).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- **Vories et al** (US Patent Number 5,861,806), Occupied room indicator.
- **Weber** (US 5,598,039), Method and apparatus for sensing state of electric power flow though a master circuit and producing remote control of a slave circuit.

7. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

703-872-9314 (for formal communications intended for entry)

(for informal or draft communications, please label PROPOSED or DRAFT)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc M. Nguyen whose telephone number is 703-306-

4531. The examiner can normally be reached on Monday-Thursday (9:30 AM – 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 703-305-4385. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Duc Nguyen

July 5, 2004

A handwritten signature in black ink, appearing to read "Duc Nguyen".